

Notice of Allowability

Application No.

10/809,613

Examiner

Milton Nelson, Jr.

Applicant(s)

ENRIQUE, ESMERALDO C. 

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 11/15/04.
2. ☒ The allowed claim(s) is/are 1-5, 8-16 and 20.
3. ☒ The drawings filed on 25 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Milton Nelson, Jr.
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brian S. Steinberger on November 30, 2004.

The application has been amended as follows:

1. In line 9 of claim 1, - - member - - has been inserted after the first occurrence of "leg".
2. In line 11 of claim 1, "seat portion" has been changed to - - leg member - -.
3. In line 2 of claim 4, "assemblies are" has been changed to - - members is --.
4. In line 1 of claim 5, "assemblies are" has been changed to - - member is a - -.
5. In line 2 of claim 5, "legs" has been changed to - - leg - -.
6. In line 2 of claim 8, "the lower and upper section of" has been deleted.
7. In line 2 of claim 11, "assembly" has been changed to - - member - -.
8. In line 1 of claim 14, "7" has been changed to - - 1 - -.
9. In line 1 of claim 14, - - portion - - has been changed to "seat".
10. In line 8 of claim 20, - - member - - has been inserted after the first occurrence of "leg".

11. In line 11 of claim 20, "seat portion" has been changed to - - leg member - -.

Claims 1-5, 8-16 and 20 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record fails to show a portable and collapsible seating device including an umbrella that is removably attached to the cane handle of the leg member by a clamp that allows up to approximately 180 degree rotation to both the left side and the right side of the seat portion, a telescopic shaft to support the umbrella, a flexible metal tubing section, and a yoke to hold the umbrella, in combination with other specifically claimed features.

Regarding claim 15, the prior art of record fails to show a method of converting a device from a cane to a portable seat having legs with an umbrella, including the steps of clamping an attachment portion on the umbrella to a cane handle portion on one of the legs that is attached to the seat, wherein the clamp allows up to approximately 180 degree rotation to both the left side and right side of the seat; raising and lowering the umbrella by a telescopic shaft; bending the umbrella by a flexible metal tubing section adjacent to the telescopic shaft; in combination with other specifically claimed features.

Regarding claim 20, the prior art of record fails to show a portable and collapsible seating device including an umbrella with a support rod having a telescopic portion to

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raise and lower the umbrella and flexible tubular section for allowing the support rod to be bendable; a clamp that is removably attached to the handle of the leg member for supporting the umbrella, the clamp allowing up to approximately 180 degree rotation to both the left side and the right side of the seat portion, wherein the portable and collapsible seating device is useful as both a walking cane and a collapsible chair with overhead covering, in combination with other specifically claimed features.

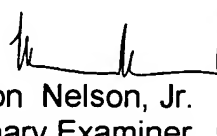
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.
Primary Examiner
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mn
December 1, 2004